

REMARKS

This paper is responsive to the Office action dated November 22, 2005. Claims 1-43 stand subject to a restriction/election requirement.

Election

Applicant provisionally elects Group I, being claims 1-27, *with traverse*.

The Examiner states that Group I includes claims 1-27 “draw to a circuit layout using adding via fill arrays within eligible via fill areas associated with identified isolated vias.” [sic] However, Applicant finds in claim 1, for example, *no such mention* of via fill arrays, via fill areas, and isolated vias.

The Examiner also states that Group II includes claims 28-43 “draw to a circuit layout without adding via fill arrays within eligible via fill areas associated with identified isolated vias.” [sic] However, Applicant finds in claim 28, for example, almost identical recited limitations in the body of the claim as are recited in claim 1.

Applicant respectfully submits that claim 1 and claim 28 cannot be properly viewed as being drawn to such oppositely described subject matter, since the recited limitations are so similar.

Applicant notes that if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions. MPEP § 803 [8th Ed, Rev. 3, Aug. 2005]. Applicant submits that as to these two independent claims, a serious burden on the Examiner has not *prima facie* been shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP 808.02. Even assuming, *arguendo*, that these two claims represent independent or distinct inventions, restriction is not believed proper.

Applicant submits that the independent claims in Group II recite similar limitations to those recited in claim 1, and consequently believes that the search and examination of all these

claims can be made without serious burden. Withdrawal of this restriction requirement is respectfully requested.

Amendment to the Specification

The specification has been amended to clarify certain word usage. In paragraph 1012, the word “instance” is used in its common sense to mean an *occurrence*, as contrasted to the more layout specific concept of instantiation, and a parenthetical to that effect has been added. In paragraph 1017, the word “instances” was used similarly, and has been replaced with the word “occurrences”. In paragraph 1056, a typographical error has been corrected (replacing a period with a comma in the middle of a sentence).

Amendment to the Claims

Independent claim 1 has been amended to replace the phrase “identifying instances of a layout deficiency” with “identifying layout errors”, to avoid unintended potential confusion with the concept of “instantiation” which is found in the application and elsewhere in the claims. The phrase “identified instances” has also been replaced with “identified errors” to provide proper antecedent basis in claim 1 and also in claim 8.

Independent claims 28, 32, 36, and 40 have been amended in analogous fashion as claim 1.

Independent claim 21 has been amended to provide proper antecedent basis by replacing “identified instances” with “identified isolated vias”.

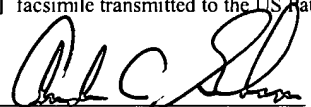
Amendment to the Drawings

Fig. 2A has been amended to replace “transform to 0:0” with “transformed to 0:0” in the fourth line of the caption. Fig. 2D has been amended to replace “Patch cell has been instantiate” with “Patch cell has been instantiated” in the first line of the caption.

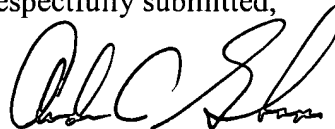
Summary

No new matter is added by these amendments.

Claims 1-43 remain in the case. The examiner is requested to withdraw the restriction requirement and proceed with the examination of all the claims. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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 Andrew C. Graham	<u>12-22-05</u> Date

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings include changes to Fig(s). 2A and 2D and replace the original sheet(s) including such figures.

Attachment(s): Replacement Sheet 2/3 including amended Fig. 2A and Fig. 2D.